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NOV 17 2004
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client name: Metabasis Therapeutics, Inc.
date: November 17, 2004
client matter number: 45198.00014CON
pages (with cover): 27

to: U.S. Patent and
Trademark Office
company/office:
facsimile: (703) 872-9306
telephone:

In re Application of:)
Qun Dang, et al.) Group Art Unit: 1624
Serial No.: 10/615,563) Examiner: Mark L. Berch
Filed: July 7, 2003) Customer No.: 36183
For: NOVEL PURINE INHIBITORS OF)
FRUCTOSE-1,6-)
BISPHOSPHATASE)

Attached hereto please find:

(1) Transmittal Form (PTO/SB/21) (1 pg.); Fee Transmittal (PTO/SB/17) (1 pg.);
Amendment and Remarks & Petition for Extension of Time (21 pgs.) and Terminal
Disclaimer (3 pgs.)

Certificate of Transmission under 37 CFR 1.8

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Helen Lynn

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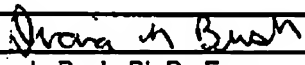
PTO/SB/21 (09-04)

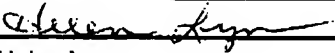
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/615,563	
	Filing Date	July 7, 2003	
	First Named Inventor	Qun Dang et al.	
	Art Unit	1624	
	Examiner Name	Mark L. Berch	
Total Number of Pages in This Submission	27	Attorney Docket Number	45198.00014.CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Terminal Disclaimer (3 pgs.)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	PAUL, HASTINGS, JANOFSKY & WALKER LLP		
Signature			
Printed name	Diana L. Bush, Ph.D., Esq.		
Date	November 17, 2004	Reg. No.	51,109

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Helen Lynn	Date	November 17, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL
for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1090)

Complete if Known

Application Number	10/615,563
Filing Date	July 7, 2003
First Named Inventor	Qun Dang et al.
Examiner Name	Mark L. Berch
Art Unit	1624
Attorney Docket No.	45198.00014.CON

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account

Deposit Account Number

Deposit Account Name

150-2613

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20**			0
Independent Claims	3**		0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 over original patent	

SUBTOTAL (2) (\$0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1806	1,840*	1806	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	980
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	245	Design issue fee	
1503	680	2503	330	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (Specify) Code 1814/2814 Statutory Disclaimer Fee					110

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1090)

SUBMITTED BY

Name (Print/Type)

Diana L. Bush, Ph.D., Esq.

Registration No.

51,109

Telephone

(858) 720-2500

Signature

Diana L. Bush

Date

November 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 17 2004

Patent
45198.00014.CON1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Qun Dang <i>et al.</i>)	
)	Group Art Unit: 1624
Serial No.:	10/615,563)	
)	Examiner: Mark L. Berch
Filed:	July 7, 2003)	
)	Customer No.: 36183
Title:	NOVEL PURINE INHIBITORS)	
	OF FRUCTOSE-1,6-)	
	BISPHOSPHATASE)	
)	
)	

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Metabasis Therapeutics, Inc., a corporation duly organized under the laws of the State of Delaware, having a principal office located at 9390 Towne Centre Drive, San Diego, California 92121, and duly represented by the undersigned, represents that it is the assignee of the full title

CERTIFICATE OF TRANSMISSION
(37 C.F.R. §1.8)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

November 17, 2004
Date of Transmission
SAN/102479.1 45198.00014

Helen Lynn
Name of Person Transmitting Paper


Signature of Person Transmitting Paper

Patent
45198.00014.CON1

and interest in and to the above-identified Application Serial No. 10/615,563, filed July 7, 2003, as evidenced by the deed of Assignment recorded on June 4, 1998 at Reel 009224, Frame 0348.

Metabasis Therapeutics, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on Application Serial 10/615,563 which would extend beyond the expiration date of the full statutory term of prior U.S. Patent No. 6,284,748, the term being defined in 35 U.S.C. 154 to 156. Metabasis Therapeutics, Inc. hereby agrees that any patent granted on Application Serial No. 10/615,563 shall be enforceable only for and during such period that such patent and prior U.S. Patent No. 6,284,748, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Metabasis Therapeutics, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 of U.S. Patent No. 6,284,748, as presently shortened by any terminal disclaimer filed, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

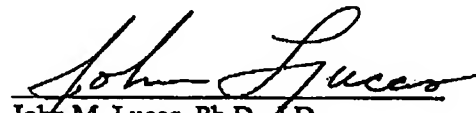
The undersigned is an attorney of record.

Patent
45198.00014.CON1

The Commissioner is hereby authorized to charge Deposit Account No. 50-2613 for the fee due herein and any other fees that may become due or credit become payable during the pendency of this application.

Respectfully submitted,

Dated: Nov 17, 2004 By:


John M. Lucas, Ph.D., J.D.
Reg. No. 43,373

METABASIS THERAPEUTICS, INC.
9390 Towne Centre Drive, Bldg. 300
San Diego, CA 92121